IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.844 OF 2006
IN
CRIMINAL APPEAL NO.269 OF 2006

Mahesh Suresh Shinde .. Applicant.
Vs.
The State of Maharashtra .. Respondents.

Mr.H.E.Mooman for the applicant.
Ms.S.V.Gajare A.P.P. for the State.

CORAM : D.B.BHOSALE, J.

DATED : 28TH SEPTEMBER, 2006

P.C.:

. Heard learned counsel for the applicant and learned A.P.P. for the State.

2. This is the second application for bail. The earlier application was disposed of by the following order:

> "1. Mr.Mooman, learned counsel for the applicant does not press this application at this stage and seeks liberty to file fresh application after 1.1/2 years from today. The application for bail is rejected as not pressed, with liberty to the applicant to apply for bail if his appeal is not heard for final hearing within 1.1/2 years from today."

3. After the roaster was changed the applicant has filed the present application and it was moved before A.S.Oka, J., on 1.9.2006, when the following

order was passed:

> . "My attention has been invited on order dated 8th June, 2006 passed in criminal application no.282 of 2006. Propriety requires that this application should be placed before the same learned Judge who has passed order dated 8th June, 2006. Office to act accordingly."

4. Hence the matter is once again placed before me. The very same advocate had appeared, who is now appearing for the applicant, when the earlier order dated 8th June, 2006 was passed. He states that he did not seek the liberty, as recorded in the order dated 8th June, 2006 and, therefore, he has moved this application. I passed the aforesaid order in the open court. The learned advocate for the applicant now states that he did not seek such liberty. He had sufficient time and opportunity to move before me, since my that assignment continued till 14th August, 2006. The roaster was changed from 16th August, 2006 and the present application was filed on 17th August, 2006. There is no whisper in the application as to what has been stated before me today. It is against this backdrop I am not inclined to entertain this application for bail. The application is rejected.

(D.B.Bhosale, J.)